

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF FEBRUARY 2, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **February 2, 2017** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Gregory A. Jackson - Chairman
Carolyn C. Karraker - Vice Chair
Jose A Rivas, Jr.
Deborah Moskowitz
Wes A. Hodge
Eugene Roberson
Vacant – At Large

STAFF PRESENT: Rocco Relvini, AICP, Chief Planner, Zoning Division
Nicholas Balevich, Development Coordinator, Zoning Division
David Nearing, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division

The Chairman called the meeting to order at 9:00 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the January 5, 2017, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Eugene Roberson, and unanimously carried to **APPROVE** the minutes of the January 5, 2017, Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Chairman opened the floor to public comment, seeing none, the Chairman closed the hearing for public comment and continued with the regularly scheduled agenda.

ASPIRE HEALTH PARTNERS - SE-17-02-188

REQUEST:	Special Exception in R-2 and R-3 zoning districts to allow a clubhouse to be used for social services and job training. (Note: The clubhouse is existing and is located adjacent to 12 duplexes. It will support the residents of the duplexes and the general public).
ADDRESS:	4094 Ellis Drive, Orlando FL 32804
LOCATION:	East side of Edgewater Dr., north of Fairbanks Ave., south of Lee Rd.
TRACT SIZE:	7.63 acres
DISTRICT#:	5
LEGAL:	LORENA GARDENS P/18 LOTS 4 THRU 6 & NWLY 105 FT OF LOT 7 & 8 BLK A & NWLY 105 FT OF N 51 FT OF LOT 5 BLK 5 OF FAIRVIEW SPRINGS REP 1ST ADD K/94 & NWLY 38 FT OF ST LYING SELY OF LOTS 4 THRU 6 BLK A & 1/6 INT IN & TO E 21 FT OF S 150 FT & E 22

FT OF N 250 F

PARCEL ID#: 03-22-29-5228-01-041

NO. OF NOTICES: 198

Staff Recommendation: Staff advised the BZA to continue this case to the March 2, 2017, for Re-advertisement.

The following person(s) addressed the Board:

Speaker(s): None

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to the March 2, 2017, BZA Meeting.

AYE (voice vote): All members present.

ARNIE B EASTLICK, II - VA-17-02-189

REQUEST: **Variance** in the R-1A zoning district to construct a 2 story garage (attached by a breezeway) 6 ft. from a side (north) property line in lieu of 7.5 ft. (Note: The property owner resides on the adjacent lot across from the subject property. The subject property is occupied by the applicant's father-in-law.)

ADDRESS: 14149 Lake Price Drive, Orlando FL 32826

LOCATION: South side of Lake Price Dr., approximately .2 mi. west of N. Tanner Rd.

TRACT SIZE: 95 ft. x 153 ft.

DISTRICT#: 5

LEGAL: PALM LAKES ESTATES 2ND ADDITION U/83 LOT 11 BLK P

PARCEL ID#: 01-22-31-6532-16-110

NO. OF NOTICES: 73

Commentaries: Three (3) in favor and none in opposition

Staff Recommendation: Staff added a condition to address drainage and amended Condition #5, to remove the requirement that the breezeway be enclosed. Staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Arnie B. Eastlick, II (Applicant)

No one spoke in favor or in opposition to the request at the hearing.

BZA Discussion: The BZA discussed the case and agreed with the staff recommendation as amended.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated November 22, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The proposed garage shall not have a 220 volt outlet, no overhead cabinets and no dishwasher on the second story. A single compartment sink may be permitted on the second story;
 5. The garage shall be attached by a breezeway with a roof that matches the principal residence; and,
 6. Construction shall comply with all applicable drainage requirements. The project shall not result in any drainage flowing onto the adjacent properties.
- AYE (voice vote): All members present.

RIC HEIDENESCHER - SE-17-02-191

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows: 1) Special Exception: To construct an attached Accessory Dwelling Unit (ADU); and, 2) Variance: To allow said ADU with 2,097 sq. ft. of living area in lieu of 1,500 sq. ft.

ADDRESS: 1601 Votaw Road, Apopka FL 32703

LOCATION: North side of E. Votaw Rd., west of N. Lake Pleasant Rd.

TRACT SIZE: 4.28 acres

DISTRICT#: 2

LEGAL: W1/4 OF SE1/4 OF SE1/4 (LESS S 860 FT OF E 300 FT & S 30 FT FOR RD R/W) OF SEC 02-21-28

PARCEL ID#: 02-21-28-0000-00-045

NO. OF NOTICES: 114

Commentaries: Three (3) in favor and one (1) in opposition

Staff Recommendation: Staff advised the BZA this met the ADU requirements and the house will be barely visible from Votaw Road. Staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ric Heidenescher (Contractor for the property owner)
Greg White (in Favor)

No one spoke in favor or in opposition to the request at the hearing.

BZA Discussion: The BZA concluded the request was reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Jose A. Rivas, Jr. and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated November 22, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

AYE (voice vote): All members present.

IAN MCLEOD - VA-17-02-192

REQUEST: **Variance** in the P-D zoning district to install a residential generator 5 ft. from the side (north) property line in lieu of 10 ft.

ADDRESS: 10336 Angel Oak Court, Orlando FL 32836

LOCATION: West side of Angel Oak Ct., south of Royal Cypress Way, west of Winter Garden Vineland Rd., across from the Grand Cypress Golf Course.

TRACT SIZE: 58 ft. x 148 ft.

DISTRICT#: 1

LEGAL: ROYAL CYPRESS PRESERVE - PHASE 3 86/98 LOT 75

PARCEL ID#: 08-24-28-7762-00-750

NO. OF NOTICES: 81

Commentaries: One (1) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation on the case; and, displayed photographs and the proposed location of the generator. Staff further stated that should the BZA approve this request, staff recommended conditions of approval to be imposed as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Applicant was not present at the public hearing.

No one spoke in favor or in opposition to the request at the hearing.

BZA Discussion: The BZA had serious concerns about the noise and the amount of variance requested, even after the setback reduction by the BCC in September, 2016. Based on the following reasons, the BZA denied this request.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **DENY** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): All members present.

RECESSED AT 9:39 A.M. AND RECONVENED AT 10:00 A.M.

ALBERT SEGEV - VA-17-02-193

REQUEST: **Variances** in the P-O zoning district to construct office building as follows: 1) 10 ft. from front property line (N. Kirkman Rd.) in lieu of 25 ft.; and 2) 26 ft. from rear property line (east line) in lieu of 30 ft.

ADDRESS: N. Kirkman Road, Orlando FL 32811

LOCATION: East side of N. Kirkman Rd., approximately 1/4 mile north of Old Winter Garden Rd.

TRACT SIZE: 350 ft. x 76 ft.

DISTRICT#: 6

LEGAL: ORLO VISTA TERRACE ANNEX N/96 LOT 3 BLK J (LESS W 56 FT

FOR R/W)
PARCEL ID#: 30-22-29-6426-10-030
NO. OF NOTICES: 96

Staff Recommendation: Staff explained that this case should be continued to the March 2, 2017 BZA meeting, for re-advertisement purposes. Staff had pre-notified all adjacent property owners of this continuance.

The following person(s) addressed the Board:

Speaker(s): None

BZA Action: A motion was made by Eugene Roberson, seconded by Wes A. Hodge and unanimously carried to **CONTINUE** to the March 2, 2017, BZA Meeting.

AYE (voice vote): All members present.

AYMEE FUENTES - VA-17-02-195

REQUEST: **Variances** in the P-D zoning district to allow pool deck and enclosure to remain 0 ft. from the side (both north and south sides) property lines in lieu of five (5) ft. (Note: The pool and deck were already in place when the applicant purchased the home. A contractor installed the screen enclosure without benefit of obtaining permits. This is the result of code enforcement. The two most impacted neighbors (north & south) have submitted letters of support.)

ADDRESS: 421 Blue Jacket Lane, Orlando FL 32825

LOCATION: East side of Blue Jacket Ln., west of N. Chickasaw Trail

TRACT SIZE: 50 ft. x 125 ft.

DISTRICT#: 3

LEGAL: MOSS POINTE 8/96 LOT 165

PARCEL ID#: 26-22-30-5770-01-650

NO. OF NOTICES: 86

Commentaries: Four (4) in favor and none in opposition

Staff Recommendation: Staff advised the BZA that both affected neighbors submitted letters in support. In addition, twenty-five (25) feet of the rear yard had a utility easement on it which prohibits any construction within it. Staff further advised the BZA that since the neighbors on both sides supported the request along with the Homeowners Association supporting the request, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Aymee Fuentes (Applicant)

Sean Bailey (Translator for applicant)

Carlos Principe (Code Enforcement Officer)

Material was presented to the Board by the applicant and entered into the record prior to the close of the public hearing.

No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The BZA discussed the case and concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz and carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 8, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance

of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. Permits shall be obtained within ninety (90) days or this approval becomes null and void.

AYE (voice vote): All members present.

NAY (voice vote): Wes A. Hodge and Eugene Roberson

NORTH ORLANDO ROWING CLUB - SE-17-02-197

REQUEST: **Special Exception** and **Variance** in the C-1 zoning district as follows: 1) Special Exception: To operate a non-profit private outdoor recreational club (proposing competitive rowing for middle and high school students); and, 2) Variance: To allow unpaved parking spaces and driving aisles (grassed) in lieu of paved.

ADDRESS: 4424 Edgewater Drive, Orlando FL 32804

LOCATION: East side of Edgewater Dr., approximately 475 ft. northwest of W. Fairbanks Ave., on the east side of Lake Fairview

TRACT SIZE: 139 ft. x 359 ft. (AVG)

DISTRICT#: 2

LEGAL: BEG 1466 FT W & N 50 DEG W 413 FT OF SE COR OF SEC RUN N 50 DEG W 69.5 FT S 40 DEG W 412 FT E 91.5 FT N 40 DEG E TO POB SEC 03-22-29 (LESS RW) OR B&P 5302/3900, ON 07-31-97, INST WM

PARCEL ID#: 03-22-29-0000-00-024

NO. OF NOTICES: 70

Commentaries: None

Staff Recommendation: Staff indicated that the subject property was surrounded on three (3) sides by commercial zoning, and that the use would be compatible with the adjacent land uses and fit well into the neighborhood. It was also noted that the rowing club was currently sharing a boathouse with another rowing club, and both were growing, necessitating the need for the applicant to move. Staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Peter Hosbein (Applicant)

No one spoke in favor or in opposition to this request at the hearing.

BZA Discussion: The BZA found that the use would be consistent and compatible with the area, and the impacts would be minimal. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, and, to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 13, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the

County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;

5. Hours of use shall be from 7:00 a.m. to 9:00 p.m.; and,

6. No outdoor amplification of sound or music at the site.

AYE (voice vote): All members present.

Abstained: Gregory A. Jackson

FLORIDA HOSPITAL EAST ORLANDO - VA-17-02-199

REQUEST: **Variances** in the P-D and R-1A zoning districts to install an 8 ft. high fence along the Lake Underhill Rd. and Chickasaw Tr. frontages in lieu of 6 ft. (Note: The fence is intended to increase security and restrict access to controlled locations.)

ADDRESS: 7727 Lake Underhill Road, Orlando FL 32822

LOCATION: Northwest corner of Lake Underhill Rd. S. Chickasaw Trail

TRACT SIZE: 37.35 acres

DISTRICT#: 3

LEGAL: FLORIDA HOSPITAL EAST 82/19 LOT 1 (LESS COMM AT THE SE CORNER SEC 26-22-30 TH N00-00-51E 50 FT TH N89-37-39W 454.62 FT TH N00-00-41E 480.96 FT TH S89-51-17E 106.5 FT TO THE POB TH N00-02-31W 250 FT TH N90W 21.96 FT TH N00W 30.27 FT TH N89-59-30E 178.8 FT

PARCEL ID#: 26-22-30-2770-01-000

NO. OF NOTICES: 77

Commentaries: None

Staff Recommendation: Staff indicated that at thirty-seven plus (37+) acres in size, the sheer size of the property posed difficulties in securing the site. Due to the distance security must travel, and the nature of the activities that take place on the property, some type of impediment to unrestricted access was needed to give security time to respond to breaches. Staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Donald A. Stewart (Applicant's representative)

No one spoke in favor or in opposition to this request at the hearing.

BZA Discussion: The BZA concluded that due to the size of the hospital campus, there was a need for the increased height of the fence for security purposes. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Eugene Roberson and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning

Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. The fence shall be black clad, and shall be properly maintained for its lifetime.

AYE (voice vote): All members present.

THOMAS HARDEMAN - VA-17-02-200

REQUEST: **Variance** in the P-D zoning district to convert open air patio into permanent room addition 15 ft. from the rear property line in lieu of 20 ft. (Note: The applicant has provided 3 letters of support from neighbors and from the HOA.)

ADDRESS: 9224 Taborfield Avenue, Orlando FL 32836

LOCATION: South side of Taborfield Ave., east of Reams Rd.

TRACT SIZE: 60 ft. x 120 ft.

DISTRICT#: 1

LEGAL: THORNHILL, A REPLAT 65/55 LOT 69

PARCEL ID#: 06-24-28-7943-00-690

NO. OF NOTICES: 107

Commentaries: Six (6) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation on the case covering the request, location, lot layout, and photographs. Staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Thomas Hardeman (Applicant)

No one spoke in favor or in opposition to this request at the hearing.

BZA Discussion: The BZA recognized that the patio was not noticeable from the road, the neighbors were in favor, and the request was within the range of past approvals. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 1, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance

of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. The design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present.

RECESSED AT 10:51 A.M. AND RECONVENED AT 11:01 A.M.

FRANKLIN TARANTINO - VA-17-02-201

REQUEST: **Variance** in the P-D zoning district to construct a pool screen enclosure 3 ft. from the rear (north) property line in lieu of 5 ft. (Note: The applicant submitted 3 letters of no objection from adjacent property owners).

ADDRESS: 14315 United Colonies Drive, Winter Garden FL 34787

LOCATION: North side of United Colonies Dr., 1/4 mile east of John Hancock Dr., east of Porter Rd.

TRACT SIZE: 69 ft. x 126 ft.

DISTRICT#: 1

LEGAL: WEST LAKE HANCOCK ESTATES PHASE 3 83/34 LOT 278

PARCEL ID#: 28-23-27-9163-02-780

NO. OF NOTICES: 47

Commentaries: Four (4) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation on the case covering the request, location, zoning, and site photographs. Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): D.C. Johnson (Applicant's representative)

No one spoke in favor or in opposition to this request at the hearing.

BZA Discussion: The BZA acknowledged that the irregularly shaped lot caused the need for the variance, and felt the case was straightforward. The BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and,

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present.

PAOLA RODRIGUEZ - SE-16-12-154

REQUEST: **Special Exception** in the R-1 zoning district to allow an existing detached Accessory Dwelling Unit (ADU) to remain. (Note: The ADU will be occupied by the applicant's father. The applicant purchased the home as is in 2015. According the Property Appraiser's information, there are two dwellings on the property, both constructed in 1956. The structure which is the subject of this application is listed as a one bed one bath unit.)

ADDRESS: 7500 Puritan Road, Orlando FL 32807

LOCATION: Southeast corner of N. Goldenrod Rd. and Puritan Rd., approximately .25 miles north of E. Colonial Dr.

TRACT SIZE: 93 ft. x 120 ft.

DISTRICT#: 3

LEGAL: GOLDENROD TERRACE U/116 LOT 1 & W 1/2 LOT 2 BLK A

PARCEL ID#: 14-22-30-3052-01-010

NO. OF NOTICES: 66

Commentaries: One (1) in favor and none in opposition

Staff Recommendation: Staff explained that the application was the result of code enforcement. The applicant had purchased the property with tenants living in the two (2) accessory buildings. They were not residing on the property when they filed for the Special Exception, and were told that they must be residents of the property with a Homestead Exemption on the main home. They obtained the Exemption, and staff moved the case forward. Meanwhile, the Code Enforcement Division confirmed that the smaller of the two (2) accessory buildings was in fact being used for storage. Lastly, staff recommended approval of the request subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Paola Rodriguez (Applicant)

Teresa Foote (Code Enforcement Inspector)

No one spoke in favor or in opposition to this request at the hearing.

Material was presented to the Board by the code enforcement officer and entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA agreed that with the conditions as proposed, the prior problems would not become recurring issues. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated September 30, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The applicant shall obtain permits for all unpermitted structures, excluding the main residence, within 180 days of final action by Orange County on this application, or this approval becomes null and void; and,

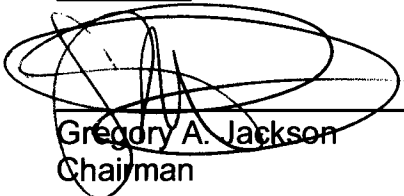
5. Prior to issuance of a Certificate of Occupancy for the ADU or finalization of outstanding permits for the building identified as storage: 1) all ceiling fans, A/C units, 220 volt power supplies, kitchen cabinetry, and plumbing shall be removed from the storage building; and, 2) the building shall be disconnected from the water supply, and the connection to the sewage disposal system shall be backfilled and capped.

AYE (voice vote): All members present.


ADJOURN:

There being no further business, the meeting was adjourned at 12:02 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary